

Keith Spencer
1224 Weaver Street
San Diego, CA 92114

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Other Orders/Judgments

3:08-cv-00942-DMS-LSP Spencer v. First Federal Bank et al

U.S. District Court

Southern District of California

Notice of Electronic Filing

The following transaction was entered on 7/16/2008 at 4:13 PM PDT and filed on 7/16/2008

Case Name: Spencer v. First Federal Bank et al

Case Number: 3:08-cv-942

Filer:

WARNING: CASE CLOSED on 07/16/2008

Document Number: 6

Docket Text:

ORDER (1) Denying Motion to proceed In Forma Pauperis, (2) Dismissing Case without prejudice and (3) Denying Motions to Dismiss as Moot re [2],[3],[5]. Pursuant to this Order, however, Plaintiff is granted 30 days leave to pay the \$350 filing fee required to maintain this action, or to submit additional documentation regarding his economic status. If Plaintiff chooses to file additional information regarding his poverty, he must attach a copy of this order. Signed by Judge Dana M. Sabraw on 7/16/08. (All non-registered users served via U.S. Mail Service).(lao)

3:08-cv-942 Notice has been electronically mailed to:

Walter Clement Chung wchung@sandiego.gov, jpeters@sandiego.gov

Harris Mark Madnick hmmadnick@erlaw.com

3:08-cv-942 Notice has been delivered by other means to:

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The following document(s) are associated with this transaction:

Document description:Main Document

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[STAMP dcecfStamp_ID=1106146653 [Date=7/16/2008] [FileNumber=2717927-0

] [22c188594c458adde77c2d2905b865973336c5ffe6a9abdc1e8a05ab517cfae8ce9
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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
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11 KEITH SPENCER,

12 Plaintiff,

13 vs.

14 FIRST FEDERAL BANK, et al.,
15

16 Defendant.

CASE NO. 08cv0942 DMS (LSP)

**ORDER (1) DENYING MOTION
TO PROCEED *IN FORMA*
PAUPERIS, (2) DISMISSING CASE
WITHOUT PREJUDICE AND (3)
DENYING MOTIONS TO DISMISS
AS MOOT**

[Docket Nos. 2, 3, 5]

17 Plaintiff, proceeding *pro se*, has submitted a 28-page document that appears to be a civil
18 complaint. Along with his complaint, Plaintiff has filed a motion to proceed *in forma pauperis*.

19 The Court finds that Plaintiff's declaration of inability to pay costs or give security is
20 insufficient to permit him to proceed *in forma pauperis*. Specifically, Plaintiff states he is currently
21 employed and earns an average of \$1,500.00 per month. Although Plaintiff has monthly expenses,
22 it appears his wife pays at least half of those expenses. It also appears Plaintiff has a primary
23 residence worth \$500,000, as well as a 1987 Mercedes Benz, which he owns outright. In light of this
24 information, IT IS HEREBY ORDERED that Plaintiff's motion to proceed *in forma pauperis* is
25 DENIED and the Complaint is DISMISSED without prejudice.¹ Pursuant to this Order, however,
26 Plaintiff is granted 30 days leave to pay the \$350 filing fee required to maintain this action pursuant
27 to 28 U.S.C. § 1914, or to submit additional documentation regarding his economic status. IF
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¹ In light of the dismissal, the pending motions to dismiss are denied as moot.

1 **PLAINTIFF CHOOSES TO FILE ADDITIONAL INFORMATION REGARDING HIS**
2 **POVERTY, HE MUST ATTACH A COPY OF THIS ORDER.**

3 **IT IS SO ORDERED.**

4 DATED: July 16, 2008

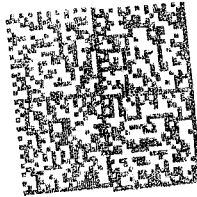
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6 HON. DANA M. SABRAW
7 United States District Judge
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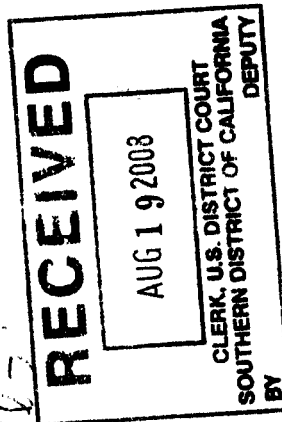
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